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THE CHURCH AND POLITICAL ACTION:
A MASSACHUSETTS PERSPECTIVE

EPISCOPAL DIVINITY SCHOOL

A PAPER SUBMITTED AS THE CULMINATION OF A SENIOR PROJECT
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INTRODUCTION

In the 1973 session of the Massachusetts General Court one of the strongest voices outside the Legislature in support of the Racial Imbalance Law was Cardinal Humberto Medeiros, the bishop of the Archdiocese of Boston. During the same session the annual convention of the Episcopal Diocese of Massachusetts adopted a resolution in support of delivering to the people of Chelsea, Massachusetts monies and programs which might relieve the hardship caused them by that city's tragic fire and which was conveyed to the legislators through Bishop John M. Burgess. On other issues committees comprised of representatives of various congregations took positions and conveyed them to specific legislators and legislative committees. Many congregations, or social action committees within congregations, voted to take positions on such issues as the closing of county training schools for juveniles and spoke personally or wrote to their legislators. Finally, innumerable individual citizens and legislators took positions on issues based on their religious beliefs and attempted to influence the political process to respond accordingly.

These are but a few examples of the levels on

which the church participates in the legislative and political process in Massachusetts. Such participation by the institutions, officials and individuals of which the church is comprised is an essential element in the effective functioning of government and, thus, our society. Our society is based on a democratic system of government which requires the participation of all citizens, groups and institutions in the country.

In the democratic system of government in the United States the church is uniquely placed as an institution capable of promoting social change through the political process. "Democracy in a complex society may be defined as a political system which supplies regular constitutional opportunities for changing the governing officials and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office," stated Seymour Martin Lipsett in Political Man.¹ Implied in that definition is a value system which legitimizes the participation by various institutions in the society. The church is certainly such an institution in this country.

Our democratic system of government is based not only on the participation by legitimate institutions but also on free competition for elected positions

¹Seymour Martin Lipsett, Political Man (Garden City, N.Y.: Anchor Books, Doubleday and Company, 1963), p. 27.

and a process of keeping elected officials accountable. Citizens act as individuals and, through voluntary organizations including political parties, help elect leaders who reflect their moral and political beliefs. They then keep their elected representatives accountable by closely observing and commenting on the voting records and political performances of these officials.

The church plays a special role in the democratic political process. Historically it has been recognized as a legitimate institution in the political process (the clergy served as the Supreme Judicial Court in the Massachusetts Bay Colony, Protestant clergy were among the early elected representatives from the Republican Party and various Roman Catholic Bishops have played important roles in more recent years) and remains so today since its membership covers such a large proportion of the population. The church has its own internal decision-making process and has the communications, educational and other resources to inform and motivate its members to act on political issues. Because it has the theological foundation on which to base its social and political decisions, the church can act effectively through the political process to promote social change.

In this paper I will attempt to examine the role of the church in the political process in Massachusetts. In doing this I will discuss the historical and moral

rationale behind such participation. I will discuss some examples of the church's participation in the political process as well as reviewing steps in the process itself. I will attempt to detail some of the activities in which the church and its members may engage within the political process. Finally, I will draw some conclusions about the church's participation in the political process by examining the manner in which a single specific issue was addressed.

Throughout this paper I will refer to the Christian church. Although the same principles of social responsibility and action apply to the Jewish faith as well, I have not gained enough knowledge or experience regarding that religious tradition and its institutions to include it in the scope of this paper. For the sake of cohesion I will confine this paper to a discussion of the Christian church of which I have some knowledge and within which I have gained some experience.

In this paper I will focus the discussion of the political process on the legislative process in Massachusetts. Although a general description of the democratic political process will be attempted, specific references to the church's participation in that process will be limited to the Massachusetts legislative branch of government. Only a limited discussion of the role

of political parties will be undertaken even though political parties are one of the most common means through which church members participate in the political process. A discussion of the appropriateness of the church's involvement with political parties is an intricate one and is beyond the scope of this paper. Similarly, I will avoid an in-depth discussion in this paper of the role of the church in lobbying in the electoral process. It is my view that it is never appropriate for the church to identify itself with specific candidates for public office. However, there remains a role for the church to play in the electoral process, but discussion of that role is outside the scope of this paper. This paper will focus on the legislative process because of the uniqueness of politics in the Massachusetts General Court and because of the active role played therein by the church and its members.

Since the Christian church is itself diverse and complex, I will attempt to be specific in references to it. Basically, I will be looking at five dimensions of the church: (1) the ecclesiastical hierarchy; (2) denominational political structures; (3) congregations; (4) social action committees and other voluntary groups; or (5) individual members. Denominational differences will be discussed only as such differences relate to the political decision-making process of a particular denomination.

I have attempted this paper because the role of the church in the political process has developed as a prime interest of mine as a result of my fairly unique combination of academic study and life experience in theology, social ethics and political science. I have found that there is very little written about the relationship of the church and the political process. Therefore, I have attempted to include in this paper both theological and political theory and specific data about the political process and individual churches in Massachusetts. I have been strongly influenced by my involvement with Cooperative Metropolitan Ministries, a Boston-based association of temples and churches which acts on social issues through the legislative process. Cooperative Metropolitan Ministries has set an example for the church's involvement in the political process which I believe to be worthy of emulation, and I have used their example as a basis for much of my discussion in this paper.

It is my belief that the church and the democratic political process are uniquely and rightly entwined. The basic tenets of one should support, not hinder, the well-being of the other. However, in this country the best aspects of each are rarely allowed to influence one another. The result is that citizens are apathetic about political issues, and the institutions and individuals of the church cease to function in a

democratic manner. The society suffers from a lack of social progress when participation by informed, well-directed people is hindered. This paper attempts to provide insights into this by examining the who's, why's and how's of the church's participation as an agent of social responsibility in the political process.

II

RATIONALE FOR THE CHURCH'S INVOLVEMENT

There is a strong belief among many church members that politics has no place in their lives, nor should it be a forum for involvement by the church. Many of these same people see politics as inherently evil and not worthy of Christian participation. Furthermore, the belief is advanced that, because of a necessary and legal separation of church and state, a Christian role in the political process is not only theologically wrong but also constitutionally restricted.

One of the underlying reasons for the "hands off" attitude of many Christians in this country toward the politics of government is the American emphasis on individualism. William Muehl describes that emphasis thusly: "Society, it says, really does not exist as a significant factor in human affairs. Its institutions are corrupt or incompetent."²

The origins of this focus on individuals as opposed to communities of people or structures were laid deep in the Christian culture. The Renaissance

²William Muehl, Politics for Christians (New York: Association Press, 1956), p. 13.

freed men's minds to pursue works of art. Later, the Protestant Reformation produced a message of individual salvation which led to the emergence of a socially mobile middle class. This in turn led to the advent of capitalism which has progressed to today's technological, highly individualized society. The message for modern man was clear. It was possible to be upwardly mobile- - physically, socially and psychologically- - independent of the community as a whole. The result was a heightened indifference to social movements and institutions. For Christians it meant a turning toward the church for the hope of individual salvation and a turning away from the responsibilities of society, especially the governing of the state.

These assumptions were based on unfortunately improper interpretations of both the nature of the church and of the political process as practiced in the United States. Improving on the European theories of balance of power between church and state, our founding fathers felt that the state and the church should be legally separated. This did not mean that the congregations, voluntary groups and individuals encompassed by the church were to remain aloof from the democratic political process on which the state is founded. In modern society issues of economics, racial relations, international warfare and others were found to be of such complexity that only the federal or state government could provide

proper recourse. William Muehl accurately described the role of the church and its members to the political process in Politics for Christians: "There rests upon every Christian the obligation to see that his legal arm, the state, acts in a way that is consistent with his personal duty."³

Any action by any person should be based on the commandment to "love your neighbor" which is found throughout the Bible and in all Jewish and Christian theology. This holds true in political action as well as other daily endeavors. If one is to love his or her neighbor (and not just one's immediate neighbor but all people in his or her life) one must be concerned with that which affects his or her neighbor the most- - and that is the action of the state. Love for one's neighbor extends past giving token sums of money to a favorite charity, giving away used clothes or giving food baskets to the needy at Christmas. In our modern society only the government can meet the needs of those in situations less fortunate than the average citizen. Love for one's neighbors must be shown through individual actions as citizens, leaders and voters in prompting the state to act.

In our democratic system of government all

³Muehl, p. 7.

voters have the responsibility for the functioning of the institutions of the state. The institutions within the judicial, legislative and executive branches carry on the business of government, but the citizens carry the power behind it. Individuals exercise their roles in making the government function, but it is the larger society that, through the political process, sets policy.

"Political order is the framework within which other more particular aspects of human life may go on; it is the framework of society. Politics is activity concerned with the creation and maintenance of such an order."⁴

Not individuals alone, but all the citizens are responsible for combining policy with power, which is the business of politics. "A policy is a general political direction arrived at by the integration of many objectives, weighed and evaluated in relation to one another and to the possibilities of an actual situation. By power we mean the ability to put a policy into effect, to realize a program in actuality, to do what is to be done in the world."⁵

To understand the role of the church in the political processes of government it is necessary to understand the nature of the church and its internal

⁴William Harbold and Dell G. Hitchner, Modern Government, A Survey of Political Science (New York: Dodd, Mead and Company, 1965), p. 54.

⁵Kenneth Underwood, editor, Social Action, A Series on Christian Community, Vol. XVIII, Number 2 (November, 1951), p. 3.

political process. The church is not merely an institution with set policies and structures but a body of people who set policies and allocate power based on some mutually held basic beliefs. The church is diverse, with its denominations, voluntary organizations and individuals. Understanding this diverse nature is the key to understanding the political role of the church.

Certain denominations such as the Roman Catholic Church are structured with a reliance on the ecclesiastical hierarchy, while others are more democratic in nature. In the Roman Catholic Church policy is made and resources are allocated by elected (such as the pope) and appointed (such as cardinals and bishops) leaders of the all-male clergy. Individual members and even individual parishes have no role to play in the decision-making process.

In the Episcopal Church, on the other hand, policy is made and resources allocated through a democratic procedure involving the bicameral national convention (one branch of clergy, the other of clergy and laity). Although individual members and parishes in the Episcopal Church theoretically have an equal voice in the decision-making process, it is controlled primarily by the clergy and few programs are ever established or policies set by lay members on a parish level.

Still other denominations, such as the United Church of Christ, are completely democratic in nature

with clergy and laity participating equally and with no distinctions. On the congregational level each individual church in the denominational structure has resources at its command which are utilized in places and ways that are decided on by all the members or by duly representative committees. There are ecumenical policy-making bodies as well, such as the Councils of Churches in each state. These bodies are equally representative of all participating denominations with long-ranged policy being established by votes of a state-wide board. This board has regional representation by denomination with implementation of proposals being accomplished by an executive board with its representatives of the denominations included.

The church not only has its ecclesiastical and administrative structures but also often has committees or voluntary groups associated with it. Social action or mission committees which may be only a part of, or separate from, the decision-making structures of the church, can none-the-less be a mechanism for participation for some of the members. Also, ~~there~~ exist many voluntary groups which join forces around issues and which are not necessarily intended to represent the position of a denomination or congregation. These committees and organizations are part of the church too (although they do not represent the established order),

because they are based on Christian beliefs and because Christians comprise them.

In fact, the church can be said to exist wherever one or more individuals are acting out their Christian beliefs. When the church is strong, it makes itself evident in its effect on its members functioning in society. This role of the church is described by Robert Nelson in Moral Nexus in the following manner: "The church as a moral community contributes to the shape of its members identities. The church functions as a moral community when it has a sufficient quality of primary relationships to nurture certain capacities needed in morally mature persons."⁶ The church, therefore, plays an important role in the society not only through its institutional structures and voluntary associations but also through its individual members.

Another reason for the differences of opinion over the just role of the church in its several forms in relation to the larger society are the historic lessons of church-state relationships. Christianity began under the authoritarian and sin-filled rule of the Roman Empire, and it was logical that the church would disassociate itself from such a government. Later in the Middle Ages, the church was, for the most part, the unified ruling governmental structure. However, it

⁶Robert Nelson, Moral Nexus (Philadelphia: Westminster Press, 1971), p. 114.

proved to be as corruptible and immoral as any secular government. Finally, after political battles and obstruction of the church by the state, there emerged from the Protestant Reformation a strong political structure in which the church and the state coexisted, with different denominations having privileged positions under the state in various countries. In the United States the people constitutionally established a policy of separation between the church and the state.

In a democratic government such as ours the citizens have responsibilities- - through voting, paying taxes, public or military service, serving on juries and participating in community affairs and political parties- - for the proper functioning of the government. Our democratic form of government is based on the concept of mass participation in power, with mass power seen as mass freedom. At the same time, there is the recognition that as an institution the church influences the identities of its members, and that in our society those members play a large participatory role as citizens in the government. Robert Nelson assessed Max Weber's view of the religious groups in relation to secular life: "He was concerned with the fact that all religious groups continuously shape and mold the personalities of their adherents who then, as private individuals, staff the economic, political, educational and other institutional systems of society. This he felt to be the far more

influential process by which religious groups influence secular life."⁷ Thus, the church and its related organizations may have a stronger influence on our democratic form of government through its effect on individual church members than through its strength as an institution.

Few people today would disagree with the validity of the church's influence over its members. However, many Christians are unwilling, in part because of the examples from the past, to concede the validity of a more direct role for the church in the political process today. If individuals may participate in the political process, influenced as they are by the church, may not also voluntary groups of church members or church committees also participate? Should the institutional or ecclesiastical structures of the church speak out on moral issues? If so, what are "moral" issues? These questions cannot be answered and the church's role understood without a better knowledge of the political process.

⁷Robert Nelson, quoting Gerhard Lenski, "Religion's Impact on Secular Institutions" in Joan Brothers, Readings in the Sociology of Religion (New York: Pargamon Press, 1967) p. 218f.

III

THE POLITICAL PROCESS

The democratic system of government employed on the local, state, and national levels in this country is ideally a government "of the people, by the people and for the people"- -a government in which every citizen is equally represented. However, it is well documented (and it is not necessary to cite from the thousands of court rulings, laws and administrative statements in support) that our government does not meet that ideal, and that our political process works so as to under-represent racial minorities, women, the poor and others. The society has changed dramatically since the framers of the United States constitution established the legislative, executive and judicial branches of government as separate divisions balancing each other. As times have changed, those institutions of government have not always kept pace with the needs of the citizenry but have responded only when large numbers of people have been so adversely affected as to demand redress. The conservatism and consistency shown by our system of government is commendable of any institution, but it falls short of truly representing all the people.

The three "balanced" branches of government are not equal in the manner in which they represent citizens or in the manner in which they allow input from citizens. The judicial branch interprets and applies laws in as equal a manner as possible but allows input from the public only through the arduous process of legal suits, except in the cases of elected judges in some states. The executive branch, certain of whose members are elected by the citizenry, sets policy, enforces laws, collects and expends revenues and administers programs. It allows very little input from citizens, except in the case of large vested interests, and is accountable to the public only when the governor and few others of its members face re-election. It is the legislative branch which carries the responsibility for the most part of representing the citizens and for being representative of the citizenry. It is through the legislative process that individuals, groups and institutions have an opportunity to elect those they believe to be best qualified to represent them and have opportunities to keep those elected representatives informed of their desires and hopes with regard to laws and policies. It is through the legislative branch that people are most directly represented under our democratic system of government.

Even the legislative branch of government has failed to equally represent all the people of this

country because of long-standing laws and policies that discriminate against certain individuals. In the past certain groups of citizens were systematically denied their rights by being prohibited from voting, from holding certain jobs, from educational opportunities, etc. Without those rights certain citizens could not participate in the democratic process of government.

In recent years changes have begun to take place in the legislative process which have had the effect of opening that process to all citizens. All citizens over a certain age have been granted the right to vote, and voter registration drives have been undertaken to counter the years of voter suppression. Elected officials have been called on to be more accountable to the public for their voting records, their finances and their public transactions. The legislative process has been opened to allow public input to the law-making process through open committee hearings and votes, through publicized voting records and by providing information on issues. Finally, political parties and vested interests have been joined in giving active input on legislative matters by voluntary associations of citizens interested in public issues.

These recent changes are just the beginnings of what must be done to make the legislative process be truly representative of all citizens on an equal basis- -for it is only through equal participation in

the democratic system that the social, political and economic needs of all people can be addressed. Greater efforts must be made to give all citizens the opportunity to vote in all elections. Furthermore, changes in the manner of financing elections must be made to enable qualified persons who do not have the financial resources now required, to become candidates for elective office. Public officials and candidates for office must be required to disclose their private finances in order to prevent conflicts of interest or control of elected officials by vested interests. The legislative process must be opened even more in order to permit the public to be informed of the action taken on all measures and to prevent arbitrary actions by individuals or groups of politicians.

The success of the legislative process in making laws or allocating funds to meet the needs of all people depends on the participation of all citizens. For all citizens to be served equally by the legislative process they must be equally represented. The responsibility for this rests on every citizen, group and institution in the society. Individuals obviously cannot actively participate through all stages of the election and the legislative process and must rely on other individuals, groups and institutions to represent them. For the citizen who knows and completely trusts his elected representative or senator this is easy. However, such

a relationship is extremely rare and most citizens must rely on others for additional representation. Business interests, political operatives and other vested interests pay for additional representation through campaign donations, lobbyists, or less ethical methods. Political organizations keep informed and facilitate the participation of those who share their particular views and who support their candidates.

Traditionally the primary, and sometimes the only, mechanism for citizens to participate in the process of government has been the major political parties. Political parties nominate candidates for public office, help raise campaign funds for candidates, address critical issues through party platforms and increase the influence of individual elected officials through cooperative action. Political parties were highly commended by William Muehl in Politics for Christians:

"Since parties do in our system perform the work of interpretation and reconciliation, the Christian who refuses to involve himself in the day-to-day work of these major organizations is ignoring one of his best chances to make an effective witness at the very center of the most dramatic struggles of the community."⁸

In America the crucial political decisions are made by the Republican and Democratic parties. They dominate the electoral process, which is the backbone of the democratic system.

⁸Muehl, p. 123.

However, this does not mean that one must be active in a political party or withdraw from the political arena. Political parties do not maintain the same power within the legislative process as in the electoral process. Legislative politics focus on issues and process. Therefore, social and political ideologies which do not follow party lines are more likely to dictate an elected official's performance than is party loyalty. Coalitions are very often built around an issue regardless of party affiliation.

Some voters believe that political parties are only self-seeking and not worthy of participation. The independent voter will not be able to effectively influence the choice of candidates for elected office. On the other hand political parties are not always capable of carrying out their ideological goals. (For example, neither the Democratic nor Republican parties in this country have been successful enough to be said to represent a social or economic class of people. That such is not the case in England with the Labour and Conservative parties is pointed out by John H. Goldthorp and associates in The Affluent Worker in the Class Struggle.) Voters who operate independently as a tactic rather than as an absolute moral principle may have just as great an impact on a particular issue as the party regular. "When one refrains from identifying himself with one of the major parties because he

"feels that it is possible to work more effectively for specific objectives outside them, he is remaining independent not as a means of keeping himself unsullied by the demands of the party membership but as a method of achieving ultimately more significant involvement in the political life of the community."⁹

The means for enabling the participation of issue-oriented citizens has only recently begun to emerge through citizens' interest groups. Such organizations as Common Cause, Congress of Racial Equality, League of Women Voters, American Civil Liberties Union, Americans for Democratic Action and others have only recently begun to temper the influence of the wealthier vested interests. Still, most citizens are not kept well enough informed to want to offer input to the legislative process and become apathetic bystanders.

It is hard to pin the blame for the failure of most citizens to participate in the legislative process and thereby the failure of the democratic system to represent all people. Certainly the full blame does not lie with the individual citizens since, faced with the complex nature of the political system and the intricacies of the issues, they can hardly know where to expend their limited time, effort and resources to seek solutions to their needs. Political parties share the blame, but they are recognized in this country as

⁹Muehl, p. 147.

supporters and promoters of candidates and not of issues. The legislative process itself can be blamed for being too complex and self-serving, but it is a function of the people and institutions that participate in it. Certainly the many institutions of our society share much of the blame for discouraging, even prohibiting, equal participation by citizens in the legislative process. Business interests are too intent on winning short-term favors that will enable them to flourish to be concerned with the needs of the individual citizen. Professional and labor organizations are guilty of viewing such issues as the need for health care delivery systems or the desire for wage increases from a narrow personal perspective without considering the human or economic implications. Even "liberal" political groups and consumer organizations fail to look past their one or two pet issues. Finally, the church is to blame for the failure of its members to understand and participate in the political process since it has failed to develop a theological basis for the church's participation in politics and has itself refrained from addressing many of the critical issues of the day.

The legislative process has been stigmatized by the past unethical actions of a few individuals and groups with vested, narrow interests. Participation by individuals and groups in the legislative process is the best assurance of equal representation in our

democratic system of government. To facilitate the participation by all citizens the institutions of our society with the resources to inform, motivate and activate a broad spectrum of citizens should make concentrated efforts to become involved in the legislative process. By promoting the candidacy of new and varied candidates, by prompting the adoption of measures to open the political process to public participation and by clarifying and publicizing issues, individuals and groups can change the complexion of the legislative process so that it becomes more representative of not only the wealthy and educated but also the poor, the minorities, the previously unrepresented.

IV

POLITICS IN MASSACHUSETTS

The Massachusetts political process is a unique arena for participation by churches and church members. In fact, as a blend of finely-honed political institutions and politically astute and active citizens the political process in Massachusetts is in many ways unique. The Massachusetts state government was from the beginning, and is today, designed to allow maximum participation by citizens. The citizens, as party members, independent voters, members of voluntary associations or as church members, actively participate in the institutions of state, county and local government by voicing their desires and attempting to insure that the needs of their ethnic groups, special interests or religious associations are met. In a commonwealth such as Massachusetts where the political process has such a large impact on the citizens the church members can play active roles in attempting to see that the society, through the government, serves all people equally. (The political decisions of the state involve most individuals and institutions in Massachusetts, including the church.) An explanation of the nature of the political structures in Massachusetts makes the reasons for this more clear.

The heart of the democratic process in Massachusetts state government is the legislature. Extending from the colonial period in America when the people of Massachusetts, with others, fought the tyranny of the crown, the elected legislature has had broad powers that enable it to serve as an instrument for expressing the needs of the citizens. The legislature (called the General Court) makes laws, levies taxes and organizes the administration of state agencies. Its power is limited only by the state constitution, federal law, the governor's veto (which may be over-ridden by a two-thirds vote of each branch) and by public referendum. The public referendum is a unique feature of the political process in Massachusetts through which citizens may collect enough signatures on an initiative petition to cause the issue in question to be placed on the ballot for a public vote.

The Massachusetts legislature has several features which make it one of the most progressive democratic bodies in this country. In Massachusetts any citizen may file legislation through his or her elected legislator. Additionally, all legislative petitions are given public hearings by joint standing committees of the legislature. At those hearings any citizen may express his or her views on the legislative petitions in question. Another unique feature of the Massachusetts General Court is the requirement

that all legislative petitions be reported out of committee to the full body of the House of Representatives or the Senate.

Massachusetts has taken several additional steps in recent years to make the General Court even more efficient in representing the citizens. One of the most important actions which will take effect in 1976 is a reduction in the size of the House from 240 members to 160. At the same time the legislative districts will be redrawn by a special commission to apportion the number of elected representatives to the population. The smaller number of elected representatives will enable each representative to play a more important role without significantly reducing the representation of citizens. Another important revision is the opening to the public of executive sessions of legislative committees in which committee members vote approval or disapproval of legislative petitions following public hearings. The legislature has also recently improved its ability to make laws and review budgets by hiring staff for committees to research issues, prepare legislation and review fiscal questions.

Unlike the federal government and most other states, Massachusetts has effectively kept in balance the power of the executive branch. Although the governor is a highly visible figure, he must share authority with legislative leaders and other elected and appointed

officials. The number of secretariats within the executive branch is strictly limited by the state constitution. Additionally, the governor can only authorize the expenditure of funds for programs and salaries specifically authorized by the legislature and cannot reallocate funds or expend additional funds as can the federal executive with its authority to incur deficit spending. Although the governor can use the strength of his support from those who elected him to gain leverage, his programs, budgets and legislative proposals are subject to the approval of the legislature. This restriction of power of the governor stems from the reaction of the framers of the state constitution against the arbitrary rule of the governors appointed by the King of England prior to the American Revolution.

Although recent changes in the state constitution aimed at modernizing state government have increased gubernatorial power, the balance remains outside the executive branch. Until 1964 an elected Governor's Council had to approve all major gubernatorial appointments, state contracts and certain financial transactions. This requirement proved to be a cumbersome and useless political obstacle and was repealed, although the Governor's Council retains veto power over judicial appointments and pardons. The Governor's Council, which was designed by the framers of the state constitution as an additional check on the governor, has now outgrown

its usefulness and is essentially a figurehead elected body which could be abolished.

The governor appoints his cabinet members and thus has some manner of control over the policies set by administrative and service delivery agencies. However, the organization of the executive branch is set by the legislature, and the governor must turn to them for approval of legislative proposals and program funding authorizations. Not only may the governor propose legislation, but he may veto or propose amendments to legislation approved by the General Court. The governor also submits an annual budget covering the projected costs of state government as proposed by the agency heads of his executive branch. The legislature is responsible for reviewing, holding public hearings on and approving a final budget, but the governor retains the right to veto any single item in that budget. These features balance off the power of the governor with that of the legislature.

The Massachusetts constitution is explicit in maintaining a strict separation of powers between the legislature, the executive branch and the third branch of government--the judiciary. In Massachusetts judges are appointed by the governor subject to the approval of the Governor's Council. This prevents the seating of populist interpreters and administrators of the law but separates the judicial branch from the average

citizen and opens the possibility of patronage appointments. Fortunately, the legislature retains the power to remove justices for just causes such as health, injudicious practice of law or the committing of certain offenses. However, the selection of judges is one area in need of change in order to insure citizen participation yet proper consideration of legal ability.

Court action in Massachusetts is divided into civil and criminal cases and is administered through a "relatively unified court system operating under the supervision of the Supreme Judicial Court."¹⁰ This court was created in 1692 with jurisdiction over all cases in the province and is the oldest continuous court in existence in this country. This highest court in the commonwealth now serves as the interpreter of the state constitution and has final jurisdiction over cases involving state law. Under the Supreme Judicial Court there are the probate and land courts and the superior court, which in turn has under it seventy-two district courts holding criminal, civil, juvenile and small claims sessions. The financing of the court system is divided between the state and county governments with the state paying salaries and the counties paying building and operating costs.

An intriguing aspect of Massachusetts politics

¹⁰League of Women Voters of Massachusetts, Massachusetts State Government (Cambridge: Harvard University Press, 1970), p. 295.

is the relationship between the state, county and local governments. The county system which exists in Massachusetts can be traced to the administrative organization employed in seventeenth century England. The counties were, and are, responsible for certain areas of law enforcement, courts, fiscal affairs and coroners duties. On the other hand local governments of the cities and towns were established in the colonies for convenience, and, although the town meeting became an important institution, it never rivalled the authority of state government. It was not until a constitutional amendment was approved in 1966 that cities and town were granted the right of home rule in local matters which were not subject to the legislatures's action. The traditional primacy of state government has proved appropriate in modern society in which certain services such as mass transportation and public welfare can only be efficiently administered on a state-wide basis. County government today is proving to be cumbersome and in many cases counter-productive. For example, justice would be administered in a more equitable manner if the courts were funded through the state rather than through grossly unequal county systems. Under the new system of home rule, cities and town for the first time may adopt charters and make rules and regulations which affect only their citizens. This does not conflict with state laws but enables some degree of autonomy to